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*Beemer, Acton and Brown*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

ALPS PROPERTY & CASUALTY  
INSURANCE COMPANY,

PLAINTIFF,

-v-

NICK E. BEDUHN; GOPPERT, SMITH &  
BEDHUN; KURT ACTON;  
TANNER BEEMER; and DAROLD  
BROWN,

DEFENDANTS

Case No. 18-CV-28-F

COMBINED RESPONSE TO  
COMPLAINT

**COMBINED RESPONSE TO COMPLAINT**

COMES NOW, Kurt Acton, Tanner Beemer and Darold Brown, by and through their attorneys GREEAR CLARK KING, P.C. and for their *Combined Response to Complaint* state as follows:

IN THE COMBINED RESPONSE if only one or two of the Defendants have knowledge then they shall admit or deny. If the allegation does not apply to a Defendant the Response shall be deemed denied by that Defendant.

1. Defendants admit the allegations set forth in paragraph one (1).

2. Defendants admit the allegations set forth in paragraph two (2).
3. Defendants admit the allegations set forth in paragraph three (3).
4. Defendants admit the allegations set forth in paragraph four (4).
5. Defendant Acton admits the allegations set forth in paragraph five (5).
6. Defendant Beemer admits the allegations set forth in paragraph six (6).
7. Defendant Brown admits the allegations set forth in paragraph seven (7).
8. Defendants admit the allegations set forth in paragraph eight (8).
9. Defendants admit the allegations set forth in paragraph nine (9).
10. Defendants admit the allegations set forth in paragraph ten (10).
11. Defendants admit the allegations set forth in paragraph eleven (11).
12. Defendants admit the allegations set forth in paragraph twelve (12).
13. Defendants have no knowledge of the allegations set forth in paragraph thirteen (13) which would allow them to admit or deny the allegations and therefore deny the same.
14. Defendants have no knowledge of the allegations set forth in paragraph fourteen (14) which would allow them to admit or deny the allegations and therefore deny the same.
15. Defendants have no knowledge of the allegations set forth in paragraph fifteen (15) which would allow them to admit or deny the allegations and therefore deny the same.
16. Defendants have no knowledge of the allegations set forth in paragraph sixteen (16) which would allow them to admit or deny the allegations and therefore deny the same.
17. Defendants have no knowledge of the allegations set forth in paragraph seventeen (17) which would allow them to admit or deny the allegations and therefore deny the same.

18. Defendants have no knowledge of the allegations set forth in paragraph eighteen (18) which would allow them to admit or deny the allegations and therefore deny the same.

19. Defendants have no knowledge of the allegations set forth in paragraph nineteen (19) which would allow them to admit or deny the allegations and therefore deny the same.

20. Defendants have no knowledge of the allegations set forth in paragraph twenty (20) which would allow them to admit or deny the allegations and therefore deny the same.

21. Defendants have no knowledge of the allegations set forth in paragraph twenty-one (21) which would allow them to admit or deny the allegations and therefore deny the same.

22. Defendants have no knowledge of the allegations set forth in paragraph twenty-two (22) which would allow them to admit or deny the allegations and therefore deny the same.

23. Defendants have no knowledge of the allegations set forth in paragraph twenty-three (23) which would allow them to admit or deny the allegations and therefore deny the same.

24. Defendants Brown and Beemer admit the allegations set forth in paragraph twenty-four (24).

25. Defendants have no knowledge of the allegations set forth in paragraph twenty-five (25) which would allow them to admit or deny the allegations and therefore deny the same.

26. Defendants have no knowledge of the allegations set forth in paragraph twenty-six (26) which would allow them to admit or deny the allegations and therefore deny the same.

27. Defendant Beemer admits the allegations set forth in paragraph twenty-seven (27).

28. Defendant Beemer admits the allegations set forth in paragraph twenty-eight (28).

29. Defendant Beemer admits the allegations set forth in paragraph twenty-nine (29).

30. Defendants have no knowledge of the allegations set forth in paragraph thirty (30) which would allow them to admit or deny the allegations and therefore deny the same.

31. Defendants have no knowledge of the allegations set forth in paragraph thirty-one (31) which would allow them to admit or deny the allegations and therefore deny the same.

32. Defendants have no knowledge of the allegations set forth in paragraph thirty-two (32) which would allow them to admit or deny the allegations and therefore deny the same.

33. Defendants have no knowledge of the allegations set forth in paragraph thirty-three (33) which would allow them to admit or deny the allegations and therefore deny the same.

34. Defendants have no knowledge of the allegations set forth in paragraph thirty-four (34) which would allow them to admit or deny the allegations and therefore deny the same.

35. Defendants have no knowledge of the allegations set forth in paragraph thirty-five (35) which would allow them to admit or deny the allegations and therefore deny the same.

36. Defendants have no knowledge of the allegations set forth in paragraph thirty-six (36) which would allow them to admit or deny the allegations and therefore deny the same.

37. Defendants have no knowledge of the allegations set forth in paragraph thirty-seven (37) which would allow them to admit or deny the allegations and therefore deny the same.

38. Defendants admit the allegations set forth in paragraph thirty-eight (38).

39. Defendants admit the allegations set forth in paragraph thirty-nine (39).

40. Defendants admit the allegations set forth in paragraph forty (40).

41. Defendants admit the allegations set forth in paragraph forty-one (41).

42. Defendants admit the allegations set forth in paragraph forty-two (42).

43. Defendants admit the allegations set forth in paragraph forty-three (43).

44. Defendants admit the allegations set forth in paragraph forty-four (44).

45. Defendant Acton admits the allegations set forth in paragraph forty-five (45).

46. Defendant Acton admits the allegations set forth in paragraph forty-six (46).

47. Defendant Acton admits the allegations set forth in paragraph forty-seven (47).

48. Defendant Acton admits the allegations set forth in paragraph forty-eight (48).

49. Defendant Acton admits the allegations set forth in paragraph forty-nine (49).

50. Defendant Acton admits the allegations set forth in paragraph fifty (50).

51. Defendant Acton admits the allegations set forth in paragraph fifty-one (51).

52. Defendant Beemer admits the allegations set forth in paragraph fifty-two (52).

53. Defendant Beemer admits the allegations set forth in paragraph fifty-three (53).
54. Defendant Beemer admits the allegations set forth in paragraph fifty-four (54).
55. Defendant Beemer admits the allegations set forth in paragraph fifty-five (55).
56. Defendant Beemer admits the allegations set forth in paragraph fifty-six (56).
57. Defendant Beemer admits the allegations set forth in paragraph fifty-seven (57).
58. Defendant Brown admits the allegations set forth in paragraph fifty-eight (58).
59. Defendant Brown admits the allegations set forth in paragraph fifty-nine (59).
60. Defendant Brown admits the allegations set forth in paragraph sixty (60).
61. Defendant Brown admits the allegations set forth in paragraph sixty-one (61).
62. Defendant Brown admits the allegations set forth in paragraph sixty-two (62).
63. Defendant Brown admits the allegations set forth in paragraph sixty-three (63).
64. Defendants have no knowledge of the allegations set forth in paragraph sixty-four (64) which would allow them to admit or deny the allegations and therefore deny the same.

65. Defendants have no knowledge of the allegations set forth in paragraph sixty-five (65) which would allow them to admit or deny the allegations and therefore deny the same.

66. Defendants have no knowledge of the allegations set forth in paragraph sixty-six (66) which would allow them to admit or deny the allegations and therefore deny the same.

67. Defendants have no knowledge of the allegations set forth in paragraph sixty-seven (67) which would allow them to admit or deny the allegations and therefore deny the same.

68. Defendants have no knowledge of the allegations set forth in paragraph sixty-eight (68) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

69. Defendants have no knowledge of the allegations set forth in paragraph sixty-nine (69) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

70. Defendants have no knowledge of the allegations set forth in paragraph seventy (70) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

71. Defendants have no knowledge of the allegations set forth in paragraph seventy-one (71) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively

state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

72. Defendants have no knowledge of the allegations set forth in paragraph seventy-two (72) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

73. Defendants have no knowledge of the allegations set forth in paragraph seventy-three (73) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

74. Defendants have no knowledge of the allegations set forth in paragraph seventy-four (74) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

75. Defendants have no knowledge of the allegations set forth in paragraph seventy-five (75) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

76. Defendants have no knowledge of the allegations set forth in paragraph seventy-six (76) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.



77. Defendants have no knowledge of the allegations set forth in paragraph seventy-seven (77) which would allow them to admit or deny the allegations however, they do not have any reason to deny the allegations and affirmatively state that the documents speak for themselves. To the extent the documents do not speak for themselves the Defendants deny the allegations.

78. Defendants have no knowledge of the allegations set forth in paragraph seventy-eight (78) which would allow them to admit or deny the allegations and therefore deny the same.

79. Defendants have no knowledge of the allegations set forth in paragraph seventy-nine (79) which would allow them to admit or deny the allegations and therefore deny the same.

80. Defendants have no knowledge of the allegations set forth in paragraph eighty (80) which would allow them to admit or deny the allegations and therefore deny the same.

81. Defendants have no knowledge of the allegations set forth in paragraph eighty-one (81) which would allow them to admit or deny the allegations and therefore deny the same.

82. Defendants admit the allegations set forth in paragraph eighty-two (82).

83. Defendants have no knowledge of the allegations set forth in paragraph eighty-three (83) which would allow them to admit or deny the allegations and therefore deny the same.

84. Defendants have no knowledge of the allegations set forth in paragraph eighty-four (84) which would allow them to admit or deny the allegations and therefore deny the same.

85. Defendants have no knowledge of the allegations set forth in paragraph eighty-five (85) which would allow them to admit or deny the allegations and therefore deny the same.

86. Defendants have no knowledge of the allegations set forth in paragraph eighty-six (86) which would allow them to admit or deny the allegations and therefore deny the same.

87. Defendants have no knowledge of the allegations set forth in paragraph eighty-seven (87) which would allow them to admit or deny the allegations and therefore deny the same.

88. Defendants have no knowledge of the allegations set forth in paragraph eighty-eight (88) which would allow them to admit or deny the allegations and therefore deny the same.

89. Defendants have no knowledge of the allegations set forth in paragraph eighty-nine (89) which would allow them to admit or deny the allegations and therefore deny the same.

90. Defendants have no knowledge of the allegations set forth in paragraph ninety (90) which would allow them to admit or deny the allegations and therefore deny the same.

91. Defendants have no knowledge of the allegations set forth in paragraph ninety-one (91) which would allow them to admit or deny the allegations and therefore deny the same.

92. Defendants have no knowledge of the allegations set forth in paragraph ninety-two (92) which would allow them to admit or deny the allegations and therefore deny the same.

93. Defendants have no knowledge of the allegations set forth in paragraph ninety-three (93) which would allow them to admit or deny the allegations and therefore deny the same.

94. Defendants have no knowledge of the allegations set forth in paragraph ninety-four (94) which would allow them to admit or deny the allegations and therefore deny the same.

95. Defendants have no knowledge of the allegations set forth in paragraph ninety-five (95) which would allow them to admit or deny the allegations and therefore deny the same.

96. Defendants have no knowledge of the allegations set forth in paragraph ninety-six (96) which would allow them to admit or deny the allegations and therefore deny the same.

97. Paragraph ninety-seven (97) is an incorporation paragraph and no further response is required.

98. Defendants deny the allegations set forth in paragraphs ninety-eight (98) through and including paragraph one-hundred twenty-three (123).

99. Defendants admit the allegations set forth in paragraph one-twenty-four (124).

100. Defendants admit the allegations set forth in paragraphs one-twenty-five (125) and one-twenty-six (126).

101. Defendants deny the allegations set forth in paragraph one-twenty-seven (127).

102. Defendants admit the allegations set forth in paragraph one-twenty-eight (128).

103. Defendants deny the allegations set forth in paragraph one-twenty-nine (129).

104. Paragraph one-thirty (130) is a paragraph realleging allegations and no further response is required.

105. Paragraphs one-thirty-one (131) through and including paragraph one-fifty-seven (157) are all denied by the Defendants as they require legal conclusions which are the purview of this Court; the Defendants do not have sufficient knowledge to admit or deny the allegations and therefore deny the same; and/or the referenced documents speak for themselves and therefore no

response is required, however to the extent a document does not speak for itself or requires interpretation by the trier of fact the Defendants deny the allegations set forth therein.

106. Defendants admit the allegations set forth in paragraph one-five-eight (158).

107. Defendants deny the allegations set forth in paragraph one-five-nine (159).

108. Defendants admit the allegations set forth in paragraph one-six-zero (160).

109. Defendants deny the allegations set forth in paragraph one-six-one (161).

110. Defendants deny all allegations not specifically admitted herein.

111. Defendants deny all prayers for relief set forth in the Complaint.

112. Defendants are still investigating this matter and have not determined which if any or all affirmative defenses exist and therefore reserve the right to plead all affirmative defenses herein as it is determined which may apply. Defendants plead the affirmative defenses at this time of Failure to State a Claim; Waiver; Estoppel; Laches; Unclean Hands and ripeness.

WHEREFORE Defendants request the following relief:

1. That the *Complaint* herein be dismissed for failure to state a claim on which relief may be granted;
2. That in the alternative this Court declares the 2016 and 2017 policies referenced in the *Complaint* do provide coverage to the GSB Defendants for the suits filed by Defendants Brown, Beemer and Acton;
3. For such other and further relief as the Court deems meet and proper in the premises.

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*Attorneys for Defendants*

*Beemer, Acton and*

*Brown*

### CERTIFICATE OF SERVICE

I, David M. Clark, hereby certify that on the 14<sup>th</sup> day of May, 2018 a true and correct copy of the foregoing document was placed in the U.S. Mail, first-class postage affixed and addressed to Paul Kapp at P.O. Box 328, Cheyenne, WY 82003-0328 and a separate emailed copy was sent to [pkapp@spkm.org](mailto:pkapp@spkm.org)



David M. Clark